

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**THE TRUSTEES OF COLUMBIA
UNIVERSITY IN THE CITY OF
NEW YORK,**

Plaintiff,

v.

Civil Action No. 3:13cv808

NORTONLIFELOCK, INC.,

Defendant.

ORDER


Having reviewed Columbia's Response to the Court's April 12, 2022 Order on Remedies for the Conduct of Norton Regarding Dr. Dacier (Dkt. 1116), (ECF No. 1124), and Norton's Response to the Court's April 12, 2022 Order (Dkt. 1116), (ECF No. 1123), and finding that neither party has adequately addressed the test set forth in *United States v. Dinkins*, 691 F.3d 358 (4th Cir. 2012), it is hereby ordered that each party shall by 9:00 a.m. on Monday, April 18, 2022, file a brief addressing that test and how, if at all, the record supports, or precludes, application of the test here.

In particular, as to factor (1), the parties shall address precisely what conduct would constitute "wrongdoing." As to factor (2), the parties shall address the evidence establishing or refuting that such wrongdoing was "intended to render [Dr. Dacier] unavailable as a witness." As to factor (3), the parties shall explain how such conduct "did, in fact, render [Dr. Dacier] unavailable as a witness."

Assuming that it would be admissible, each party shall specify precisely which parts of the text of each email should come into evidence by submitting copies of the emails appropriately highlighted to indicate what parts should come in.

It is SO ORDERED.

Date: 4/15/2022
Richmond, Virginia

/s/ 
M. Hannah Lauck
United States District Judge